

U.S.S.N. 10/827,065

**REMARKS**

Thorough examination and careful review of the application by the Examiner is noted and appreciated.

Claims 1, 40 and 41 are pending in the application. Claims 1 and 41 have been cancelled and withdrawn from further consideration by the Examiner. New claim 42 has been added.

**Objection To The Specification**

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

The specification has been amended on page 10, line 5, to recite the material being a "non-polymeric, covalently bonded network". The Examiner's objections are therefore respectfully alleviated.

**Objection To The Claims**

Claims 1, 40 and 41 are objected to for not stating a material composition.

Claims 1 and 41 have been cancelled.

U.S.S.N. 10/827,065

Claim 40 has been amended to further recite "a material composition comprising". The Examiner's objections are therefore respectfully alleviated.

#### **Claim Rejections Under 35 USC §112**

Claims 1, 40 and 41 are rejected under 35 USC §112, first paragraph, because the specification, while being enabling for forming the material composition comprises SiCOH or SiCH, does not reasonably provide enablement for forming the material composition having a non-polymeric, covalently bonded structure including Si-C, SiH, C-H or Si-C, SiH, SiO and C-H bonds.

The rejection of claim 40 under 35 USC §112, first paragraph, is respectfully traversed.

The Applicants respectfully submit that contrary to the Examiner's contention that "in the claims, the bonds of Si-C, SiH, SiO and C-H can be used to form a plurality of different insulating materials which have broader scope than the claimed invention", the present invention, as narrowly defined in independent claim 40 recites a material composition that must have Si, C, O and H and the material must have a non-polymeric, covalently bonded structure

U.S.S.N. 10/827,065

that must have Si-C, SiH, SiO and C-H bonds. Contrary to the Examiner's contention, the material composition narrowly recited in independent claim 40 requires two primary requirements, that is, 1) the composition must contain all Si, C, O and H; and 2) the composition must have Si-C, SiH, SiO and C-H bonds. In other words, the Si-C, SiH, SiO and C-H bonds cannot be used to form a plurality of different insulating materials, instead, can be used to form an insulating material containing Si, C, O and H.

The rejection of claim 40 under 35 USC §112, first paragraph, is respectfully traversed. A reconsideration for allowance of claim 40 is respectfully requested of the Examiner.

#### Double-Patenting Rejection

Claims 1 and 41 are rejected under 35 USC §101 as claiming the same invention as that of claims 1, 11 and 14 of prior U.S. Pat. No. 6,497,963.

Claims 1 and 41 have been cancelled and withdrawn from further consideration by the Examiner.

U.S.S.N. 10/827,065

A consideration for allowance of newly added claim 42, which further limits the composition to be a ring network, is respectfully requested of the Examiner.

Based on the foregoing, the Applicants respectfully submit that all of the pending claims, i.e. claims 40 and 42, are now in condition for allowance. Such favorable action by the Examiner at an early date is respectfully solicited.

In the event that the present invention is not in a condition for allowance for any other reasons, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,  
Tung & Associates

Randy W. Tung  
Reg. No. 31,311  
Telephone: (248) 540-4040

RWT\kd